



CITY OF MEMPHIS

COUNCIL AGENDA

June 8, 2010

Public Session Tuesday, 3:30 p.m.

Council Chambers, First Floor, City Hall

125 North Main Street

Memphis, Tennessee 38103-2017

CALL TO ORDER by the Sergeant-at-Arms

INVOCATION

PLEDGE OF ALLEGIANCE

CALL OF ROLL by the Comptroller

APPROVAL OF PREVIOUS MEETING MINUTES (May 25, 2010)

ANNOUNCEMENT FOR APPEARANCE CARDS FOR PUBLIC SPEAKING

ITEMS HELD OR DROPPED FROM THE AGENDA

PRESENTATIONS AND RECOGNITION OF VISITORS

1. RESOLUTION thanking Jeff Sanford for his service to the Center City Commission.
Boyd

ACTION REQUESTED: Adopt the resolution

PUBLIC HEARINGS (None)

DIVISION OF PLANNING & DEVELOPMENT

2. RESOLUTION authorizing the application to the federal Foreign-Trade Zones Board for expansion and reorganization of the Memphis Foreign-Trade Zone Number 77 under the Alternative Site Framework to include the City of Memphis, Shelby County and seven (7) counties in West Tennessee. The City of Memphis is the designated Grantee of Foreign-Trade Zone Number 77. Resolution further authorizes the Mayor of the City of Memphis to execute all documents necessary for the submission of the Alternative Site Framework application.
Conrad

ACTION REQUESTED: Adopt the resolution

3. RESOLUTION approving a Hotel Waiver for American Inn, located at 5225 Summer Avenue.
Ford

Case No. HMW 10-04

ACTION REQUESTED: Adopt the resolution

4. RESOLUTION approving a special use permit located on the south side of Poplar Avenue; +/-433 feet west of Colonial Road, containing 2.357 sq. ft. of 0.29 acre (12,632 sq. ft.) in the Highway Commercial (C-H) District.

Ford

Case No. SUP 10-215

Applicants: Tower Ventures V, LLC

Request: Special use permit to allow a cellular communications tower one-hundred forty-five (145) feet in height of concealed canister monopole design with capacity to accommodate a maximum of four (4) antennae

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

ZONING ORDINANCE – THIRD AND FINAL READING (None)



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CONSENT AGENDA

GENERAL ORDINANCE - FIRST READING (None)

GENERAL ORDINANCE - SECOND READING

5. **ORDINANCE** Prohibiting Unfair Discrimination in City Hiring Policies Against Persons Previously Convicted, up for S E C O N D reading.
Strickland Ordinance No. 5363

ACTION REQUESTED: Adopt the ordinance on Second reading

ZONING ORDINANCE - FIRST READING

6. **ORDINANCE** rezoning the westward side of Jackson Ave., opposite and 140 ft. southwestwardly from the intersection of Hemingway Ave., containing 0.227 acre in the General Office (O-G) District, up for F I R S T reading.
Ford Case No. Z 10-105
Ordinance No. 5364

Applicant: Beatrice Jimenez
Tim McCaskill – Representative

Request: Planned Commercial (C-P) District

LUCB and OPD recommendation: APPROVAL

ACTION REQUESTED: Adopt the ordinance on First reading

ZONING ORDINANCE - SECOND READING (None)

ENGINEERING

7. **RESOLUTION** approving contract time extension for HILL & FONTAINE BROOK AVENUE SUBDIVISION, RESUBDIVISION OF PART OF LOT 41.
Case No. S 06-038
(Contract No. CR-5064)

Resolution approves the extension of time from June 17, 2004 to June 9, 2011, for the project located at the northeast corner of Elvis Presley Blvd and Brooks Road.

City Engineer recommends approval

ACTION REQUESTED: Adopt the resolution



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MLGW FISCAL CONSENT

8. RESOLUTION awarding Contract No. 11398, Blanket Soil Stabilization, to Economic Erosion Control in a funded amount not to exceed \$300,000.00.
9. RESOLUTION approving Change No. 8 to Contract No. 10765, Private Label Service Agreement, with Aclara Software in the funded amount of \$31,500.00. (This change covers the addition of a residential Carbon Footprint Calculator module to MLGW's My Account web tools, which includes the insertion of promotions and one custom recommendation for interface with the existing My Account modules to import customer data. This change also includes all fees to host this tool through December 2012).
10. RESOLUTION approving Change No. 23 to Contract No. 10780, Electric Construction and Maintenance, with Allied Electrical Contractors, LLC in the funded amount of \$6,984.53, for a new contract value of \$22,538,595.75. (This covers payment of work performed as a result of the storm of January 30, 2010).
11. RESOLUTION approving Change No. 4 to Contract No. 11105, Aerator Maintenance, with R. P. Services in the funded amount of \$150,724.92. (This renews the contract for the fourth and final renewal term, August 1, 2010 to July 31, 2011, with no increase in rates from the previous year).
12. RESOLUTION awarding contract for one crew cab and chassis with a truck-mounted hydraulic crane to H & E Equipment Service in the amount of \$178,368.55
13. RESOLUTION awarding contract for heavy equipment (aerial tower booms, digger derricks and mini-digger derricks), as follows:

Diamond International Trucks.....	\$836,207.00
Altec Industries, Inc.....	<u>338,385.00</u>
Total.....	<u>\$1,174,592.00</u>
14. RESOLUTION awarding contract for one submersible pump to Action Chemical in the amount of \$31,974.70.
15. RESOLUTION awarding 24-month contract for wedge tap connectors to H D Supply in the amount of \$527,045.57.
16. RESOLUTION awarding 12-month contract for gas service regulators to Elster American Meter Company in the amount of \$70,329.00.

17. RESOLUTION awarding contract for gas distribution system repair sleeves to M. T. Deason Company in the amount of \$74,976.00.
18. RESOLUTION awarding 36-month contract for uniform rental services to Paramount Uniform in the amount of \$84,346.48.
19. RESOLUTION awarding 48-month contract for flame-retardant clothing to Tyndale Company in the amount of \$1,577,393.40.
20. RESOLUTION awarding contract for voice system upgrade to Black Box Network Services in the amount of \$171,382.00.
21. RESOLUTION approving payment of annual subscription to Energy Worldnet, Inc. in the funded amount of \$35,270.00.



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REGULAR AGENDA

22.
Strickland

APPOINTMENTS

Memphis Alcohol Commission

Appointment

Sherman Greer

Memphis Public Library and Information Center Board of Trustees

Reappointments

Dorothy L. Boggan

David Williams

Memphis and Shelby County Music Commission

Appointments

James Judge Booker

Bevanne Bowers

Melody L. Fly

Nichole R. Robinson

Reappointments

Charley Burch

Tonya D. Butler

Michael Glenn

Kris Kourdouvelis

Antonio Parkinson

Pat Kerr Tigrett

BUDGET ITEMS

23. RESOLUTION establishing the MEMPHIS LIGHT GAS AND WATER DIVISION in lieu-of-tax payment to the City of Memphis for Fiscal Year 2011.

Fullilove

ACTION REQUESTED: Adopt the resolution

24. RESOLUTION approving the Capital Acquisition Budget and the Capital Improvement Program for Fiscal Years 2011-2015.

Flinn

ACTION REQUESTED: Adopt the resolution

25. RESOLUTION directing the City Treasurer to prepare Tax Bills for the various Utilities and Carriers utilizing the Last Certified Assessment available as of June 30, 2010.

Morrison

ACTION REQUESTED: Adopt the resolution

26. RESOLUTION approving the FY 2011 Budget for the Center City Commission.

Morrison

ACTION REQUESTED: Adopt the resolution

27. **ORDINANCE** establishing the Fiscal Year 2011 Operating Budget for the City of Memphis, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5360

ORDINANCE to appropriate the proceeds of the tax levy on the assessed values on all properties of every species within the city limits for general purposes for the Fiscal Year July 1, 2010, through June 30, 2011.

ACTION REQUESTED: Take whatever action Council deems advisable

28. **ORDINANCE** fixing the Tax Rate of the City of Memphis for Fiscal Year 2011, up for T H I R D and F I N A L reading.

Morrison

Ordinance No. 5361

ACTION REQUESTED: Take whatever action Council deems advisable

GENERAL ORDINANCES -THIRD AND FINAL READING

29. **ORDINANCE** amending Chapter 15, Section 15-12, City of Memphis Code of Ordinances, to increase Solid Waste Fees for Collection and Disposal, add a cart leasing option and revise the description of the residential and commercial business categories, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5354

ACTION REQUESTED: Take whatever action Council deems advisable

30. **ORDINANCE** amending Chapter 15, Section 15-7, City of Memphis Code of Ordinances, to revise language regarding City issued carts and use of personal containers, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5355

ACTION REQUESTED: Take whatever action Council deems advisable

31. **ORDINANCE** amending Chapter 33, City of Memphis Code of Ordinances, to increase Sewer Fees, up for T H I R D and F I N A L reading.

Hedgepeth

Ordinance No. 5356

ACTION REQUESTED: Take whatever action Council deems advisable

32. **ORDINANCE** to amend Chapter 2, Article IV, of the Code of Ordinances, so as to establish the City of Memphis Minority Business Development and Oversight Commission, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5357

ACTION REQUESTED: Take whatever action Council deems advisable

33. **ORDINANCE** to amend Chapter 25, Code of Ordinances, City of Memphis, so as to increase the City Contribution allowable under Section 25-71 and Section 25-171, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5358

ACTION REQUESTED: Take whatever action Council deems advisable

34. **ORDINANCE** to increase Pension Benefits allowable under Section 25-95 and Section 25-195, up for T H I R D and F I N A L reading.

Strickland

Ordinance No. 5359

ACTION REQUESTED: Take whatever action Council deems advisable

35. **ORDINANCE** to amend previous Ordinance 4388, codified as City code, Title 6, Article 6, Section 2-331(a), to extend the Sunset Clause set forth therein until December 31, 2010, up for T H I R D and F I N A L reading.

Conrad

Ordinance No. 5362

ACTION REQUESTED: Take whatever action Council deems advisable

ENGINEERING DIVISION (None)

EXECUTIVE DIVISION (None)

FINANCE & ADMINISTRATION

DIVISION OF FIRE SERVICES

36. **RESOLUTION** accepting and appropriating \$1,021,800.00 in State In-Service Training Grant funds from the State of Tennessee for the Division of Fire Services for a total appropriation of \$1,021,800.00.

Lowery

ACTION REQUESTED: Adopt the resolution

37. RESOLUTION accepting and appropriating \$1,072,700.00 in Federal Grant funds from the Department of Homeland Security-FEMA for the Division of Fire Services for a total appropriation of \$1,072,700.00.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF GENERAL SERVICES (None)

DIVISION OF HOUSING AND COMMUNITY DEVELOPMENT (None)

DIVISION OF HUMAN RESOURCES (None)

LAW DIVISION (None)

MLGW DIVISION (None)

PARK SERVICES

DIVISION OF POLICE SERVICES

38. RESOLUTION appropriating funding for Organized Crime Unit drug funds for Fiscal Year 2011 in the amount of \$4,664,794.00.

Lowery

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC SERVICES

39. RESOLUTION accepting and appropriating \$4,080.00 in Revenue from the Tennessee Department of Safety for use of Parking Spaces at the Benjamin Hooks Central Library by employees of the State of Tennessee Driver's License Renewal Office.

Ware

ACTION REQUESTED: Adopt the resolution

DIVISION OF PUBLIC WORKS

40. RESOLUTION adjusting Additional Treatment Charge for City of Memphis sewer fees. (Held from 5/11)

Hedgepeth

ACTION REQUESTED: Adopt the resolution

41. RESOLUTION amending the FY 2010 Capital Improvement Budget by transferring an allocation and appropriating \$391,898.00 funded by G.O. Bonds (Storm Water) from Major Drainage Rehab/Replace, project number ST03006, to Lick Creek Jefferson Ave, project number ST03120, for drainage repair and for a construction contract with A & H Contractors.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

42. RESOLUTION amending the FY10 Capital Improvement Budget by transferring an allocation and appropriating \$1,895,078.00 funded by Federal Grant Funds from American Recovery and Reinvestment Act from ARRA Repaving, project number PW01198 to ARRA Repaving Group-2, project number PW01204 and for a construction contract with Lehman Roberts.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

43. RESOLUTION amending the FY10 Capital Improvement Budget by transferring an allocation and appropriating \$1,998,777.00 funded by Federal Grant funds from American Recovery and Reinvestment Act from ARRA Repaving, project number PW01198 to ARRA Repaving Group-5, project number PW01207 and for a construction contract with APAC – TENN.

Hedgepeth

ACTION REQUESTED: Adopt the resolution

GENERAL ITEM (None)

APPEARANCE CARDS FOR PUBLIC SPEAKING

ADJOURNMENT

ADD-ONS

44. RESOLUTION appropriating \$3,000.00 for the purpose of purchasing and installing cameras, to allow live streaming and archiving of Council Committee Meetings via the Memphis City Council website.

Conrad

ACTION REQUESTED: Adopt the resolution

45. RESOLUTION approving a special use permit located on the west side of N. Thomas Street; +/-98 feet north of T.M. Henderson Avenue, containing 0.85 acre (37,026 sq. ft.), in the Mixed-Use (MU) District.

Ford

Case No. SUP 10-212

Applicants: House of Knowledge Childcare, Inc.
Carmichael Johnson – Representative

Request: Special use permit to allow a day care center

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Take whatever action Council deems advisable

No Opposition at LUCB; No Public Hearing Required

46. JOINT CITY/COUNTY RESOLUTION to amend the FY 2010 Housing & Community Development Operating Budget by appropriating \$10,000.00 to cover the cost of the promotional video for Memphis and Shelby County.

Collins

ACTION REQUESTED: Adopt the resolution

47. RESOLUTION congratulating Le Bonheur Children's Hospital on the opening of their new patient facility.

Collins

ACTION REQUESTED: Adopt the resolution

48. RESOLUTION approving a Line of Duty Death Benefit to the spouse and legal dependents of Firefighter David O'Connor.

Strickland

ACTION REQUESTED: Adopt the resolution

ADD-ONS

49. **ORDINANCE** regulating the Encroachment of Cable and Video Services in the City's Rights-of-Way, up for F I R S T reading.

Consent

Ordinance No. 5365

ACTION REQUESTED: Adopt the ordinance on First reading

NOTATION FROM OPD

50. **NOTATION** from Land Use Control Board that the following case was heard and recommendation made requesting a date of public hearing:

Consent

- A. Case No. PD 01-306 – County Gate P.D., Phase 10, Parcel 1

Located on the north side of Winchester Road, 295 feet east of County Gate Road.

Applicant: John K. Hardin

Appellant: Doyle Silliman, Windyke Area Neighborhood Association

Request: Overturn the decision of the Land Use Control Board on 5/13/10
Which approved a site plan for the construction of a Checker's
Restaurant to replace the current Brewster's Ice Cream Restaurant

LUCB and OPD recommendation: APPROVAL, with conditions

ACTION REQUESTED: Set a date of public hearing

SUGGESTED DATE: June 22, 2010

51. **AMENDATORY BOND RESOLUTION** to amend certain provisions of the Capital Projects Bond Resolution adopted by the Council on May 11, 2010 and the Bond Refunding Resolution adopted on May 25, 2010.

Morrison

ACTION REQUESTED: Adopt the resolution

52. **RESOLUTION** accepting and appropriating \$46,000.00 from the State of Tennessee to purchase library books and materials for the Memphis Public Library.

Collins

ACTION REQUESTED: Adopt the resolution

ADD-ONS

MOTION: Ware – Suspend the rules for the purpose of adding an item

SECOND: Ford

APPROVED, rules suspended, item added below

RESOLUTION appropriating \$9,000,000.00 funded by G.O. Bonds with the Division of Community Enhancement Anti-Blight Strategy, Project Number CE01068 for expenses related to slum and blight.

MOTION: Ware

SECOND: Ford

AYES: Boyd, Brown, Ford, Fullilove, Halbert, Lowery, Morrison, Strickland, Ware and
Chairman Collins
Conrad, Flinn and Hedgepeth did not cast a vote

APPROVED, set up as Special Item #1

ACTION TAKEN BY COUNCIL ON THIS DATE

1. and 2 - Approved
3. and 4 – Approved, as amended
5. Through – 22 – Approved
23. Held to June 22, 2010
24. Approved, as amended
25. and 26 – Approved
27. Approved, as amended
28. Approved
29. Approved, as amended
30. Through – 41 – Approved
42. and 43 – Approved, as amended
44. Through 49 – Approved
50. Public Hearing set for June 22, 2010
51. and 52 – Approved

ACTION TAKEN ON THE MINUTES OF MAY 25, 2010

Approved

ACTION TAKEN ON THE MINUTES OF JUNE 8, 2010 FOR ITEMS 48, 51, SPECIAL ITEM #1 AND ITEM 52 ONLY:

Approved